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SENATE BILL 21

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009

INTRODUCED BY

Stephen H. Fischmann

AN ACT

RELATING TO PERSONNEL; REDUCING EXEMPT POSITIONS IN THE
EXECUTIVE BRANCH; LIMITING EXEMPT EMPLOYEES FROM FILLING
CLASSIFIED POSITIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Personnel Act is enacted
to read:

"~~[NEW MATERIAL]~~ EXEMPT EMPLOYEES FILLING CLASSIFIED
POSITIONS--PROHIBITION.--An employee of the state who is exempt
from the Personnel Act pursuant to Subsection B, C, D, G, K or
N of Section 10-9-4 NMSA 1978 shall not be eligible for a
classified position in a department or agency under the control
of an elected official in the executive branch during the last
two years of the term of the elected official under whose
administration the exempt employee was appointed or retained."

.179785.1

underscoring material = new
[bracketed material] = delete

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1 Section 2. EXECUTIVE EXEMPT POSITIONS--REDUCTION IN
2 FORCE--TEMPORARY PROVISION.--

3 A. The legislature finds that the current fiscal
4 crisis requires extraordinary measures to ensure fiscal
5 solvency for fiscal years 2010 and 2011. The governor shall
6 prepare and implement a reduction in force plan for exempt
7 employees in cabinet departments and other state agencies under
8 the control of the governor that reduces the total number of
9 exempt employees in those state agencies by at least one
10 hundred eighty; provided that a position that has been
11 confirmed by the senate or is required by a specific law shall
12 not be eliminated; and provided further that the reduction in
13 force shall not affect employees making an annual salary of
14 fifty thousand dollars (\$50,000) or less. The reduction in
15 force shall be accomplished by January 22, 2010.

16 B. Eight million one hundred thousand dollars
17 (\$8,100,000) is reduced from the personal services and benefits
18 categories in Section 4 of the General Appropriation Act of
19 2009 in those agencies under the control of the governor. The
20 department of finance and administration shall adjust the
21 budgets of each agency in proportion to the number and salaries
22 of its exempt employees with a salary of more than fifty
23 thousand dollars (\$50,000).

24 Section 3. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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